

ORDINANCE NO. 08-87

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA ACCEPTING THE RIGHT-OF-WAY DEED FROM 77 ACRES, LLC, A FLORIDA LIMITED LIABILITY COMPANY, CONSISTING OF A 35-FOOT WIDE STRIP OF LAND ALONG NW 142 STREET, IF CONSTRUCTED, BETWEEN NW 97 AVENUE AND TO A LINE EXTENDING IN A NORTH-SOUTH DIRECTION, 335 FEET EAST OF NW 102 AVENUE, IF CONSTRUCTED, HIALEAH, FLORIDA; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Board at its meeting of September 24, 2008 recommended approval of this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: The City of Hialeah, Florida hereby accepts a right-of-way deed from 77 Acres, LLC, a Florida limited liability company, consisting of a 35-wide strip of land along NW 142 Street, if constructed, between NW 97 Avenue and to a line extending in a north-south direction, 335 feet east of NW 102 Avenue, if constructed, Hialeah, Florida, legally described as follows:

THE NORTH 35.00 FEET OF TRACTS 5, 21, 22, 23 AND 24 AND THE NORTH 35.00 FEET OF THE EAST ½ OF TRACT 17, IN THE SOUTHEAST ¼ OF SECTION 20, TOWNSHIP 52 SOUTH, RANGE 40 EAST, OF CHAMBERS LAND COMPANY SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 68, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LESS THE EAST 40.00 FEET THEREOF,

AND

EXCEPTING THEREFROM, ANY PORTION OF THE ABOVE-DESCRIBED LANDS PREVIOUSLY DEDICATED AS PUBLIC RIGHT-OF-WAY.

Section 2: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3: Penalties.

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty described above, the City may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 4: Severability Clause.

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 5: Effective Date.

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the

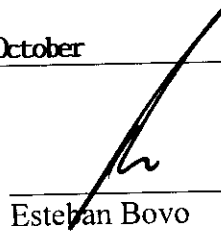
Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED and ADOPTED this 28th day of October, 2008.

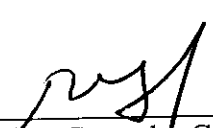
THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.

Attest:

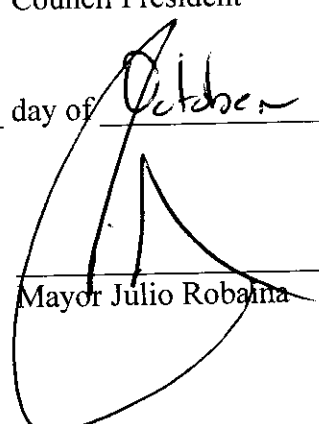
Approved on this 30 day of October, 2008.



Esteban Bovo
Council President

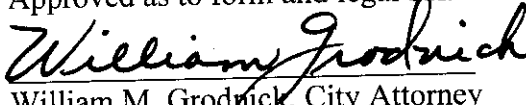


Rafael E. Granado, City Clerk



Mayor Julio Robaina

Approved as to form and legal sufficiency:



William M. Grodnick, City Attorney

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Ordinance was adopted by a unanimous vote with Councilmembers Bovo, Caragol, Casals-Muñoz, Garcia-Martinez, Gonzalez, Hernandez, and Yedra voting "Yes".

Return to:

City of Hialeah, Florida
Law Department
501 Palm Avenue
Hialeah, Florida 33010

Instrument prepared by:

William M. Grodnick, City Attorney
City of Hialeah Law Department
501 Palm Avenue, Hialeah, Florida 33010

Property Appraiser's Parcel Identification (Folio)
Number(s): 04-2020-001-0150

Parcel 230
NW 142nd Street
City of Hialeah

**RIGHT-OF-WAY DEED TO CITY OF HIALEAH, FLORIDA
FOR PUBLIC RIGHT-OF-WAY**

THIS INDENTURE, made this 17 day of September, 2008, by and between 77 Acres, LLC, a Florida limited liability company, whose address is 2301 N.W. 87 Avenue, Doral, Florida 33172-2403, party of the first part, and the City of Hialeah, Florida, a municipal corporation organized and existing by virtue of and under the laws of the State of Florida, its successors in interest, whose address is 501 Palm Avenue, Hialeah, Florida 33010, party of the second part.

WITNESSETH, that the said party of the first part, for and in consideration of the sum of Ten and No/100th (\$10.00) Dollars, to it in hand paid by the party of the second part, receipt whereof is hereby acknowledged, and for other good and valuable consideration, has granted, bargained, and sold to the party of the second part, their successors in interest, for the purpose of a public right-of-way and purposes incidental thereto, the following described land, situate, lying and being in the County of Miami-Dade, State of Florida, to wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

It is the intention of the party of the first part, by this instrument, to convey to the party of the second part, and its successors in interest, the land above described for use a public right-of-way and for all purposes incidental thereto.

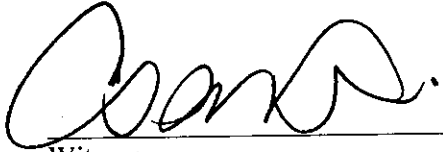
It is expressly provided that if and when the said right-of-way shall be lawfully and permanently discontinued, the title to the said above-described land shall revert to the party of the first part, its heirs and assigns, and such party shall have the right to repossess the same.

And the party of the first part does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever, claiming by, through or under the party of the first part.

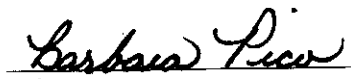
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08.17

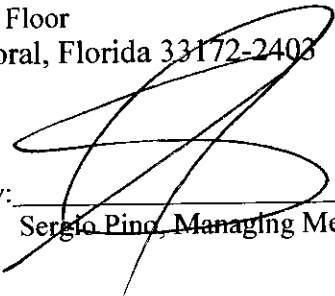
IN WITNESS WHEREOF, the said party of the first part has hereunto set our hands and seals the day and year first above written.

Signed, sealed and delivered in the presence of:


Witness
Typed/Printed Name: Carolee Uno

77 Acres, LLC
A Florida limited liability company
2301 N.W. 87 Avenue
6th Floor
Doral, Florida 33172-2403


Witness
Typed/Printed Name: Barbara Pico

By: 
Sergio Pino, Managing Member

(SEAL)

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

I hereby certify that on this day, before me, an officer duly authorized to administer oaths and take acknowledgments, personally appeared Sergio Pino, as Managing Member of 77 Acres, LLC, a Florida limited liability company, who is known to me to be the person described in and who executed the foregoing instrument, who acknowledged before me that they executed the same, and I relied upon the following form of identification of the above-named persons:

or are personally known to me and that an oath was taken.

NOTARY SEAL



Witness my hand and official seal in the County and State last aforesaid this 17 day of September, 2008.


Notary Signature

Typed/printed name

My commission no.: 01/19/2012

LEGAL DESCRIPTION PARCEL 230
(Parent Tract Folio: 04-2020-001-0150)

The North 35.00 feet of Tracts 5, 21, 22, 23 and 24 and the North 35.00 feet of the East one-half (E. 1/2) of Tract 17, in the Southeast one-quarter (SE. 1/4) of Section 20, Township 52 South, Range 40 East, of CHAMBERS LAND COMPANY SUBDIVISION, according to the Plat thereof, as recorded in Plat Book 2, at Page 68, of the Public Records of Miami-Dade County, Florida, less the East 40.00 feet thereof,

AND

Excepting there from, any portion of the above-described lands previously dedicated as public right-of-way.

